

**MINUTES OF MARION CITY COUNCIL**  
**REGULAR MEETING 6:30 P.M.**  
**COUNCIL CHAMBERS AT CITY HALL**  
**TUESDAY AUGUST 14, 2012**

A regular meeting was held by City Council on August 14, 2012 at 6:30 p.m. over which Mayor Rodney Berry presided. Council members Bobby I. Davis, Michael Baker, Ronald Atkinson, Ralph Atkinson, Betsy Atkinson and Odessa Gregg, were present. Also present were Mr. Alan Ammons, Mrs. Patricia Brown, Ms. Pam Jones, and Attorney Robert Lee.

Mayor Berry called the meeting to order. Councilwoman Gregg gave the opening prayer and Mr. Ammons led the Pledge of Allegiance. Mayor Berry welcomed all guests and the press (Hometown TV and the Star/Enterprise).

After noting a correction of the Council members present for the July 24, 2012 Special Meeting (i.e. Councilwoman Gregg was not present), Councilman Bobby Davis made a motion to approve the minutes for the Regular Meeting on July 10, 2012 and the Special Meeting Redistricting Workshop on July 24, 2012; seconded by Councilwoman Betsy Atkinson ; motion carried.

Councilwoman Gregg, along with Mayor Berry presented a Resolution of Appreciation to William Humphrey, the 2012 Marion High School Valedictorian who will be attending Brown University on a full scholarship. On behalf of the Mayor and City Council, City Clerk Pam Jones read the Resolution after which Councilwoman Gregg welcomed several guests from the educational field, including Mr. Charlie Bethea, former MSD1 Superintendent and Dr. LeCarol Ford. She then read several letters of congratulations to William from noted persons including Governor Nikki Haley, who was contacted by Mrs. Gregg's daughter Nathalie, Bishop Frederick Calhoun James (retired 7<sup>th</sup> Episcopal AME Bishop from the State of South Carolina) & Theresa Gregg James (retired teacher and Councilwoman Gregg's sister-in-law), Marion County Council Chair Elista Smith, House Representative Jim Battle, Council member Wilhemena Scott from Lake City, Dr. Godfrey Gregg – Adelphia University, Marion Ministerial Alliance, Marion Area Chapter – Allen University, Jeremiah Hemingway, Grand Alumni Chapter – Allen University, Marion VFW, and Mr. Smith- Chairman of the Board. Councilwoman Gregg then thanked everyone for coming to show their support for William. To a standing ovation, William Humphrey very humbly thanked everyone for their congratulations and well wishes.

Eddie Rodelsperger from PMH presented a proposal on the Capital Sales Tax Projects. Before proceeding, he also offered his congratulations to William Humphrey on his accomplishments. Mr. Rodelsperger stated that PMH has been involved in these projects for approximately 2 years and they

would like to offer their services to finish what has been started at this point in time. They would like to finish their work on the design side of this to help people be able to see what they will be voting on in November. The projects are the Tollison Center, the Elementary School Upfit and the improvements to Grice's Recreation Center which include some upfits to the Boys & Girls Club, zero entry pool and relocation of the basketball court and some improvements to the bath house. Mr. Rodelsperger stated that normal fees for projects of this type are generally in the 7 1/2 to 8%, whereas for the City's projects, the fees were cut by approximately 1 1/2 to 2% on the design. PMH understands that there will no payment for any services they provide to the City of Marion, that payment is contingent upon the passage of the Local Options Sales Tax (LOST). Should the LOST not pass, the City of Marion will owe PHM nothing. Mayor Berry thanked Mr. Rodelsperger for their hard work on the projects and commented that this is not a bid for engineering services, that we can make a recommendation. Mr. Ammons commented that if we get started early on this, it would expedite actual construction upon passage of the LOST. Due to the condition of the pool at Grice's, that project would need to be immediately addressed so that the pool would be able to open on time. After more discussion on what steps PMH would take in preparation to be ready to move as soon as the LOST passes, Mayor Berry stated that this is already factored into what we agreed to spend and will not be coming out of the budget as this fee is already backed in. Councilwoman Betsy Atkinson made a motion to accept the proposal from PMH, seconded by Councilman Ronald Atkinson; motion carried.

Regarding Securing Deposits TD Bank Opinion, Attorney Robert Lee commented that on June 13<sup>th</sup> the City received a letter from TD Bank stating we have funds in excess of the FDIC secure amount of \$250,000. Typically they have secured our excess deposit; they are now asking to switch to a letter of credit from the Federal Home Loan Bank of Pittsburgh. Mr. Lee spoke with Lavern Jones, the cash manager for the State of South Carolina Treasury Office, who told him that the state's funds are also secured by a letter of credit from the Federal Home Land Bank of Pittsburgh. Mr. Lee further researched the Federal Home Land Bank and found that in the past 8 years none of the Federal Land Home Banks has incurred a loss. This is TD Bank's proposal, but if Council should choose to have them collateralize it as they currently do, with some form of government bond or security, then that would be Council's choice, but TD Bank's proposal is an acceptable alternative. Based on the opinion of the State Treasury and the City Attorney, Councilman Ralph Atkinson made a motion to accept TD Bank's offer to collateralize public deposits with the Federal Home Loan Bank letter of credit as presented, seconded by Councilwoman Betsy Atkinson; motion carried.

The date for Sensitivity Training has been set for September 11, 2012 at 5:15 p.m., before the regular Council meeting.

Before the re-districting discussion began, Councilman Michael Baker passed out copies of the maps that Council received in the last month and a half. Councilman Baker commented that the Benchmark Plan and Plan 1 were sent out with Plan 1 having Councilman Davis and Councilwoman Gregg in the same district and Plan 1 had to be revised. Plan 2 was then received and Councilman Baker would like to discuss Plan 2 and Plan 3B, from the Special Meeting that was held. According to the last census, there were slight adjustments to 1, 4 and 5 and that 2, 3 and 6 remained unchanged and at the last Regular Meeting that (Plan 2) was what was presented to Council. At that meeting, it was decided that we would have a Special Meeting and at the Special Meeting, a Plan 3B was presented. Councilman Baker commented that looking at Plan 2 and also Plan 3B, District 3's general makeup from Plan 2 has been altered in 3B. You're looking at a 67% in Plan 2, which is what was received after the census saying no one really moved into that District (3) and there were very few changes within that District in the last 10 years. Plan 3B has been altered by Council members to actually change that District based on various reasons. Councilman Baker commented that they were reasons he really didn't understand because very little changes were made to that District based on the movement of people in and out of the District. If that District had been changed by the number of African Americans moving into the District or Whites moving out of that District, then it would be more acceptable. There is a noticeable change from the 67.7% down to the 60.9%, but otherwise, Councilman Baker does not think Council should actually alter this District and disenfranchise some of the voters in that area and that is what we're doing. Councilman Baker stated that when we decide for personal reasons that we want to alter that District, and change people around for that particular reason, that is exactly what we're doing. Councilman Baker commented that is what he wanted to point out to the audience and to Council. Councilman Davis commented that he has looked over the Plans, and the Benchmark gives a clear indication of the amount of citizens we have in the City of Marion, black and white. That is what the census is about; to determine how many blacks, how many whites, how many districts you should have, based on the population. The maps show we now have 1,908 whites and 4,820 blacks in the City of Marion. Councilman Davis stated that he was here when the first District was drawn in the City and took part in determining how many Districts, population, and how it should place according to the Justice Department. Councilman Davis further stated that in the minutes of the Special Meeting, Councilman Ralph Atkinson stated that "some of the reason behind that is Betsy grew up in what was a portion of what was his District and she gets a lot of calls from that area and responds to them and we felt like that might be a better fit; he owns a piece of property that he wants to bring into his District and this way both of those can be accomplished". As we know, and the Attorney knows, we can't do that. As elected officials, we cannot change District lines, and it's not about black and white, it's about what's wrong and right. After an outburst from the audience, Mayor Berry gavelled down and informed the audience that he would not tolerate any outburst from the audience and that was the first warning. Councilman Davis went on to say that we don't own the Districts, they belong to the citizens and we can't do anything for personal reasons to

change the Districts. Neither blacks nor whites should have to go out to Voter's Registration to get new voter's registration cards because someone wants to put their property in their District and Councilman Davis commented that the Attorney knows that. We must look at this in a realistic manner; Mr. Baker alluded to the numbers in District 3 and how they changed on the Map. Councilman Davis stated that in Plan 2, that the state said that we should abide by, according to the regulations and the Justice Department guidelines, District 3 has 287 whites and 807 blacks. At the top of the page you will see (NH) – Non-Hispanic, (VAP) – Voting Age Population and what you are looking at is what determines elections, that VAP will determine the outcome of an election. Still on Plan 2, you will see that there is a VAP of 578, the percentage of black VAP is 67.76; this is the recommended Plan and should be. Councilman Davis commented on all the manipulation and the email that said Mrs. Betsy and Mr. Ralph had dealt with Mr. Bowers' office to get these numbers changed. (Plan 3B) In District 3, whites have increased to 375 and blacks decreased to 759; VAP is now 533 and the percentage of black VAP has dropped to 60.98. The Justice Department has pointed out that at least 65% is needed to win that District and by their own guidelines, with 4,820 to 1,908, there should be 4 Districts. Councilman Davis stated that these were not half truths, these are statistics from the state; we must be honest and we must be fair. Councilman Davis further stated that no whites should have to go to Voter's Registration to change their voter's registration cards because we want to do personal things in Districts; no blacks should have to go change their voter's registration cards because we want to do personal things in the District. The Districts belong to the people, not the elected officials. Councilwoman Gregg read the definition of gerrymander, which is to divide a state or voting district, as to give an unfair advantage to a particular political party or group and in her opinion, Plan 3B seems to be an example of gerrymandering. Mayor Berry asked if there was any more discussion; he then commented that there was probably not as much discussion on this as an entire workshop had been held and other Council members had presented their viewpoints at that time.

Councilwoman Betsy Atkinson made a motion to accept the 1<sup>st</sup> Reading on Ordinance 12-06 – ***An Ordinance Altering the District Boundaries for the Six Single Member District for the City of Marion, Plan 3B***, seconded by Councilman Ralph Atkinson. Councilman Davis stated that he will not support this and will follow it through the proper procedures. The motion carried by a 4-3 vote. Mayor Rodney Berry, Council members Betsy Atkinson, Ralph Atkinson and Ronald Atkinson voted **yes**; Council members Bobby Davis, Michael Baker and Odessa Gregg voted **no**.

Councilwoman Betsy Atkinson made a motion to set the date for the Public Hearing for Ordinance 12-06 on Tuesday, September 11, at 6:15 p.m. before the regular Council meeting, seconded by Councilman Ralph Atkinson; motion carried.

## **ADMINISTRATOR'S REPORT**

Mr. Ammons commented that the stormwater project at North Withlacoochee should be completed in the next couple of weeks. The stormwater project on Bobby L. Davis Blvd. should begin shortly, as some of the pipes had to be ordered by Herrington Construction.

Councilwoman Betsy Atkinson made a motion to set the stormwater workshops for Tuesday, October 9, at 5:30 p.m. before the regular Council meeting and also on Tuesday, November 13, at 5:30 p.m. before the regular Council meeting. The motion was seconded by Councilman Ronald Atkinson and carried.

Mr. Ammons commented that we have had some problems and complaints with nuisance animals, particularly squirrels and Dennis has been working with Mr. Baker regarding this. Some information on what other municipalities are doing regarding this nuisance is in your packet. This is just for your information and as of right now we are just trapping them (squirrels).

There is a letter from Mr. Jolly concerning 6 parking places in the alley behind Professional Pharmacy and the City's consideration for use of same, in your packets. Please go by and look at this before the next Council meeting as this will be on the agenda for September. Councilman Baker asked if we needed to give him an answer before the next meeting, to which Mr. Ammons responded that he didn't see why we should as the City has already cut that grass and whatever Council's decision is at that time is what it will be.

Perry Mason of the Street Department was recognized as the July Employee of the Month and presented with a gift certificate.

## **CITY ATTORNEY'S LEGAL UPDATE**

Attorney Lee has no update at this time. Councilman Davis asked Mr. Lee if he was the City's Parliamentarian, according to the ordinance, to which Mr. Lee responded that he was. Councilman Davis commented that according to our minutes, we are doing this District line to move personal property into a particular District. Councilman Davis asks that Mr. Lee check into that with the Ethics Department and ask is that not a violation for this City to move forward in redrawing lines to accommodate an individual personal interest. Mr. Lee responded that he had already marked that to be checked on and addressed before the 2<sup>nd</sup> reading of the ordinance.

## **DEPARTMENTAL REPORTS**

The departmental reports are in Council's packets and copies of the Police report are placed on the lectern for the public's review. Chuck Wiegert announced there would be a school supply giveaway on Friday, August 17 at 9:00 a.m. on Manning Street beside Mr. Ellerbe's barber shop. 500 bags will be provided by Tom Rice, candidate for District 7. Also, the Golf Cart Poker Run will be held on Saturday, August 25, starting at the Farmer's Market. It will include golf carts and bicycles which will begin at 3:00, and motorcycles which will begin at 1:00. Money raised will go to the Marion Police Department.

**ACCOUNTABILITY OF CITY OFFICIALS/COMMENTS FROM CITY COUNCIL AND MAYOR**

Councilman Michael Baker commented that he had gotten with Mr. Ammons on most of what he needed to. Sidewalks are being done all over the area because most of them are overgrown and also have trees and limbs growing over the sidewalks. It is bad on Gregg, Euclid, and Georgetown Streets, where the kids have to walk through on their way to school. We are trying to get the sidewalks back in order so the kids will not have to walk in the street. The trees that we planted through the years when Mayor Gerald was here, the crepe myrtles, birches, etc., planted on Bobby Gerald Parkway and from Blumenthal to the by-pass, need attention because they are starting to sprout out from the bottom. Councilman Baker has asked for the last 3 weeks to have them trimmed up and make them look like trees, which they just started on yesterday. Councilman Baker asked that the maps that were passed out be given back to Mr. Frazier in order to have them available for the public hearing.

Councilman Ronald Atkinson asked if anything is going on and if we're getting any closer to knowing who is doing these break-ins around Harmon Park. Mr. Ammons responded that Chief Gray had been questioning a person of interest and thinks they may be close.

Councilman Bobby Davis commented that he attended the mentoring program that Mrs. Elista Smith and her staff hosted for around 115 kids, with dance classes, personal hygiene classes. Also the Drug and Gang Unit were there to talk to the kids. Councilman Davis commended Mrs. Smith on addressing those issues with small kids and the great job they were doing in providing a great learning experience. Councilman Davis also spoke to Mr. Wallace, lead drug agent giving the classes, and asked about the possibility of him going to different churches and speaking to the kids about the dangers of drugs, which he agreed to. Councilman Davis spoke to his pastor who is open to this and would like to get him into his church to speak to the youth.

Councilman Ralph Atkinson had no comment at this time.

Councilwoman Betsy Atkinson had no comment at this time.

Councilwoman Odessa Gregg commended Mrs. Ellen Baldwin and the persons who helped with the school supplies give-away. She also asked that parents remind their children to say "thank you" to those have worked so hard to see that they get certain things. Councilwoman Gregg asked that parents please teach your children to say "please, thank you, may I, and excuse me". School is starting and this will be very helpful to the teachers, to you and to your children. Mayor Berry also commented "yes mam, no mam, yes sir, no sir", it has kind of been forgotten.

Mayor Berry and Councilman Baker reminded everyone that Councilman Baker's District 6 Party will be held on Saturday, August 18 from 1 -6 p.m. at Pop Dorsey Park. Mayor Berry commented that there would be 2 math classes, a grant to do a free entrepreneurship class, a USDA housing rehab seminar (with some grants available) on October 17, all coming up at the Swamp Fox Higher Education Center. Mayor Berry, along with other county leaders, met with a group called

South Carolina Connect is doing a huge assessment on what our needs are in terms of high-speed internet, where and how do we need to get it. This assessment is necessary in submitting grants and they do this for free. September 15<sup>th</sup> is Play Day and Punt, Pass & Kick is being brought back and will be registered with the National group. There will also be karate, a volleyball tournament, a table tennis tournament and everyone is encouraged to come and participate. Mayor Berry gave credit to Ronnie and Winky for all their hard work and keeping the City so beautiful. Mayor Berry read a letter from a family moving to Marion, thanking Winky for his assistance in helping them locate their place of employment and a place to spend the night and wanted to share their appreciation for Winky's help. Councilman Baker wanted to make everyone aware that Councilman Ronald Atkinson donated \$400 from his District to Councilman Baker's District party, and that he appreciates that coming from Councilman Atkinson.

### **EXECUTIVE SESSION**

Councilwoman Betsy Atkinson made a motion to enter Executive Session to discuss a Marion County Tax Collection Agreement, a Proposal for Purchase of Real Property and the Marion County Landfill, seconded by Councilman Ronald Atkinson; motion carried. After returning from Executive Session, Mayor Berry stated that no action had been taken. Councilwoman Betsy Atkinson made a motion to re-enter open session, seconded by Councilman Bobby Davis; motion carried.

Regarding the Tax Collection Agreement, Mr. Ammons recommended that Council authorize the Attorney to enter into negotiations with the County Attorney and bring back the appropriate agreement and 1<sup>st</sup> reading on the ordinance for the next meeting. Councilman Michael Baker made a motion to accept Mr. Ammons recommendation, seconded by Councilwoman Betsy Atkinson; motion carried. Mayor Berry commented that this is a big deal and Council has been working on this for better than a year. It says if the grass gets this high (about a foot) and you don't cut it, we will send you a notice and come in and cut it for higher rate, because we do not want to compete with our local landscapers. This is a step in economic development and in keeping our City clean. This is a very important action this Council just took and Mayor Berry expressed how proud he was of that.

Regarding the Proposal for the Purchase of Real Property, Mr. Ammons will bring back something in writing on what the owner wants.

Mr. Ammons passed out a letter to Council and told them that he spoke with Mrs. Finklea last week and let her know that we had a Council meeting and Council had to approve this and that we needed this letter by Friday. She wrote the letter Sunday and we received the faxed copy today (Tuesday) at 2:20 p.m., so Council cannot take any action. Mr. Ammons will put this on the agenda for next month and will have to notify her that we could not take action on her event for this Saturday.

Mayor Berry inquired if we could take action with a consensus based on that letter, to which Attorney Lee stated that we can move an item around on the agenda, but we could not summarily add a new item. Councilman Davis stated, for the record, that Mr. Lee submit the minutes from tonight with his request, along with a packet that was read tonight (Maps/Plans) to the SC Ethics Commission. Councilman Baker asked Mr. Ammons to check on the property Mr. Jolly was actually talking about, to make sure that's all there is, so we will have a clear understanding the next time as to what we need to vote on, to approve or disapprove. Mr. Ammons stated that he would be happy to show any Council member where the property is located.

**ADJOURNMENT**

With no further business to discuss, Councilman Michael Baker made a motion to adjourn, seconded by Councilman Ralph Atkinson; motion carried.

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Mayor Rodney Berry

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City Clerk Pam Jones

Taped August 14, 2012